D.B.CIVIL SPECIAL NO. 610/2006
(Teja Ram & ors v. M.D.S.University & ors.)

8/9/2006

HON'BLE MR.JUSTICE N.N.MATHUR
HON'BLE MR.JUSTICE R.P.VYAS

Mr.Girish Sankhla, for appellants.
Mr.O.P.Boob, Addl.G.A.

1. In view of the short controversy involved, we have given notice to the Additional Government Advocate and we propose to dispose-of the appeal at the admission stage.

2. By the impugned order, learned Single Judge has rejected the application of appellants for declaring their result of LL.B. Second Year on the ground that as per the Bar Council Regulations, the appellants could not have been permitted to take the examination before completing 75% attendance.

3. Appellants took admission in LL.B. First Year in Vidhi Mahavidhyalaya, Jalore for the Academic Sesson 2004-05 and passed the examination from Maharshi Dayanand Saraswati University, Ajmer. While they were studying in LL.B. Second Year alongwith other students, a significant development took place when Vidhi Mahavidhyalaya, Jalore was de-recognized by the

order of the Commissioner, Higher Education dated 22.3.2005. On a representation being made by the students of the Vidhi Mahavidhyalaya, Jalore, a decision was taken to the effect that such students may be accommodated in the Government Law Colleges. Accordingly, the Commissioner cum Director, Higher Education by the letter dated 24.8.2005 directed the Principal, Government Law College, Pali to admit such students. Appellants alongwith many other students submitted the application form for admission in the Government Law College, Pali. The admission list was published by the said College. Appellants having not found their names, approached to the authorities but no satisfactory reply was given. Thus, they approached to this Court by way of filing writ petition. There was some delay in filing reply to the writ petition. Ultimately, the matter was heard by the learned Single Judge on 6.3.2006. During the course of arguments, it was pointed by the learned Government Advocate that there were certain deficiencies in the application forms of appellants which were not removed, as such, they were not given admission. After hearing learned counsel for the parties and perusing the material on record, learned Single Judge by order dated 6.3.2006 directed the respondents that appellants should be allowed provisionally to pursue their studies of LL.B. Second Year and take examinations. Accordingly, the appellants appeared in the examinations.

4. It is submitted that all the LL.B. students similarly situated have appeared in the examinations and their result has been declared. There was a delay in admission in the LL.B. Second Year for the reasons beyond their control. On the other hand, the learned Government Advocate has supported the order of the learned Single Judge.

5. On careful consideration of the matter, we are of the view that when the appellants appeared under the orders of this Court and no objection was raised at the time when the appellants had appeared in the examination about the attendance, such a question cannot be raised at this stage. As far as the directions of the Bar Council are concerned, this can be considered only at the time when the candidate applies for admission to the Bar Council for registration as an advocate. This is the larger issue which has been debated in various courts. Suffice it to say that once the appellants have appeared in the examination, they are entitled to know of their performance. It is in the utmost interest of justice that result of LL.B. Second Year of appellants is declared and they are told of their performance.

6. Consequently, the appeal is partly allowed. The order of the learned Single Judge dated 28.8.2006 is set aside. The application filed by the appellants is allowed. The respondents

are directed to declare the result of the LL.B. Second Year Examination in which the appellants have appeared. They will be allowed to pursue the Degree Course for which they have been admitted.

(R.P.VYAS), J. **(N.N.MATHUR), J.**

RANKAWAT JK, PS